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**भाग १ (ख)**

महत्वपूर्ण सरकारी आज्ञायें।

**RAJASTHAN HIGH COURT, JODHPUR**

**NOTIFICATION**

**Jodhpur, July 03, 2019**

**NO.07/S.R.O./2019/-**In exercise of the powers conferred by Section 16 (2) of the Advocates Act, 1961 and all other powers enabling it in this behalf, the Rajasthan High Court makes the following Guidelines for designation of Advocates as 'Senior Advocates' and the matters incidental thereto:-

**RAJASTHAN HIGH COURT (DESIGNATION OF SENIOR ADVOCATES)  
GUIDELINES- 2019**

1. These Guidelines shall be called 'The Rajasthan High Court (Designation of Senior Advocates) Guidelines-2019'.
2. **Designation as Senior Advocate**  
The Full Court may designate an Advocate as Senior Advocate, if in its opinion by virtue of his ability, standing at the Bar, or special knowledge or experience in law, the said Advocate is deserving of such distinction.
3. **Permanent Committee for Designation of Senior Advocates**
  - (i) All matters relating to designation of Senior Advocates in the High Court of Judicature for Rajasthan shall be dealt with by a Permanent Committee, to be known as "Committee for Designation of Senior Advocates."
  - (ii) The Committee will be comprising of the following members :
    - (a) The Chief Justice – Chairperson
    - (b) Two Senior most Judges of the High Court
    - (c) Advocate General of the State of Rajasthan
    - (d) Two Senior Advocates designated by the Rajasthan High Court, one each from Jodhpur and Jaipur to be nominated by the above. Such nomination shall be for a period of two years and the nominated members shall be eligible for re-nomination.
4. **Secretariat**
  - (i) The Committee shall have a Permanent Secretariat, the composition of which will be as directed by the Chief Justice of the High Court in consultation with the other members of the Committee.
  - (ii) The Committee may issue such directions from time to time as deemed necessary as regards functioning of the Secretariat, including the manner in which, and the source(s) from which, the necessary data and information with regard to designation of Senior Advocates are to be collected, compiled and presented.

**5. Eligibility Qualification**

No person shall be eligible for designation as Senior Advocate unless he/she has been an Advocate entered in any roll under the provisions of the Advocates Act, 1961 and actually practicing for atleast ten years in the Rajasthan High Court at Jodhpur or its Bench at Jaipur or Courts subordinate to Rajasthan High Court or has been a District & Sessions Judge in the cadre of Rajasthan Judicial Service with the combined standing as an Advocate and as District & Sessions Judge for atleast ten years.

**6. Disqualification**

The candidature of an Advocate found to have been punished for professional misconduct by any Bar Council with any punishment, shall not be considered.

**7. Recommendation/Application for designation as Senior Advocate**

The name of an Advocate for being designated as Senior Advocate may be considered :

- (i) If the Chief Justice or any other Judge is of the opinion that an Advocate by virtue of his ability, standing at the Bar or special knowledge or experience in law is deserving of such distinction so as to be designated as Senior Advocate, the Chief Justice/the Judge may, in writing, recommend the name of such Advocate for being considered for designation as Senior Advocate. The recommendation by the Chief Justice/the Judge shall be in format Appendix-A, which shall be accompanied by bio-data of the Advocate in format Appendix-B duly filled in and signed by Advocate concerned.
- (ii) On an application submitted by the Advocate, desirous to be designated as Senior Advocate along with his bio-data in the format Appendix-B.

**8. Processing of applications/ proposals for designation of Senior Advocate**

- (i) The recommendation of the Chief Justice or a Judge accompanied by the bio-data of the Advocate or the application by Advocate alongwith bio-data shall be placed before the Registrar General of the High Court, who shall forward the same to the Secretariat.
- (ii) On receipt of proposals as mentioned in clause 7(i) and 7(ii), the Secretariat will compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate(s) concerned including his/her participation in pro-bono work; reported judgments for the last five years in which the concerned Advocate has appeared and actually argued.

**9. Inviting the suggestions and views on proposed designation**

The Secretariat will publish the proposal of designation of a particular Advocate as Senior Advocate in the official website of the Rajasthan High Court inviting the suggestions/views of other stakeholders in the proposed designation within such time as may be directed by the Committee.

**10. Consideration by Permanent Committee**

- (i) After the data-base in terms of the above is compiled and all such information as may be specifically directed by the Committee to be obtained in respect of any particular candidate is collected, the Secretariat shall put up the same before the Committee for scrutiny.

- (ii) The Committee will examine each case in the light of the data provided by the Secretariat of the Committee; interview the concerned Advocate; and make its overall assessment on the basis of a point-based format indicated below:-

Sr. No.	Matter	Points
1	Number of years of practice of the Advocate from the date of enrollment. [10 points for 10-20 years of practice; 20 points for practice beyond 20 years]	20 points
2	Judgments (Reported and unreported) which indicate the legal formulations advanced by the concerned Advocate in the course of the proceedings of the case; pro-bono work done by the concerned Advocate; domain Expertise of the Advocate in various branches of law, such as Constitutional law, Inter-State Water Disputes, Criminal law, Arbitration law, Corporate law, Family law, Human Rights, Public Interest Litigation, International law, law relating to women, etc.	40 points
3	Publications by the Advocate	15 points
4	Test of Personality & Suitability on the basis of interview/interaction	25 points

- (iii) All the names listed before the Committee shall be submitted to the Full Court for consideration.

#### 11. Consideration by Full Court

All the names that are forwarded by the Committee will be placed before the Full Court for consideration. Voting by secret ballot will not normally be resorted to by the Full Court except when unavoidable. In the event of resort to secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.

#### 12. Review/Reconsideration of the cases not favourably considered

- (i) If a proposal for designation as Senior Advocate is not favourably considered by the Full Court, the Advocate(s) concerned would be ineligible for being recommended for designation as Senior Advocate for a period of two years from the date of such decision and the intimation thereof shall be sent to the Advocate concerned.
- (ii) After lapse of the period as aforesaid, fresh recommendation/application of such Advocate for designation as Senior Advocate, received in the manner prescribed under

clause 7(i) and 7(ii), as the case may be, shall be open to be considered by the Full Court afresh.

### **13. Recalling of the designation**

In the event a Senior Advocate is guilty of conduct which according to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation, the Full Court may review its decision designating the concerned person and recall the same.

Provided that such Advocate shall be extended an opportunity of hearing in the manner determined by the Full Court.

### **14. Notification of Designation/Recall**

In the event of designation of an Advocate as a Senior Advocate or on recalling of such designation, the notification to that effect shall be issued and published in such manner as may be directed by the Chief Justice. The notification issued as aforesaid shall be forwarded by the Registrar General to the Secretary General, Supreme Court of India, all the High Courts, Secretary to the Bar Council of India and Secretary to the Bar Council of Rajasthan and also to all District & Session Judges subordinate to the Rajasthan High Court.

### **15. Obligations and Functions of the Senior Advocate**

(1) The Senior Advocate shall not-

- (i) file a vakalatnama or act in any court or tribunal in India;
- (ii) appear without an advocate on record in the Supreme Court or without an advocate in part II of the State Roll in any court or tribunal or before any person or other authorities mentioned in Section 30 of the Advocates Act, 1961;
- (iii) accept instructions to draw pleadings or affidavits, advise on evidence or do any drafting work of any analogous kind in any court or tribunal in India or undertake conveyancing work of any kind whatsoever but this prohibition shall not extend to settling any such matter as, aforesaid in consultation with a junior;
- (iv) accept directly from a client any brief or instructions to appear in any court or tribunal in India.

Explanation:-

- (i) 'acting' means filing an appearance or any pleadings or applications in any court or tribunal in India or any act (other than pleading) required or authorized by law to be done by a party in such court or tribunal either in person or by his recognized agent or by an advocate or attorney on his behalf.
- (ii) 'tribunal' includes any authority or person legally authorised to take evidence and before whom advocates are by or under any law for the time being in force entitled to practice.

### **16. Repeal**

The previous Scheme/Guidelines for designation as Senior Advocate issued including those issued vide Notification No. 1/S.R.O./2010 dated 02.04.2010 and the amended

Notifications No. 4/S.R.O./2010 dated 30.04.2010 and 1/S.R.O./2011 dated 01.02.2011 shall stand repealed. All recommendations/applications pending on the date of this notification shall not be processed further and concerned Advocate shall be eligible for consideration on fresh recommendation/application under Clause 7 of this Scheme. However, this repeal shall not by itself invalidate the action taken under the repealed Scheme/Guidelines.

**By Order**

**SATISH KUMAR SHARMA,  
REGISTRAR GENERAL.**

**-APPENDIX - A**

**RECOMMENDATION LETTER**

I ..... Judge, Rajasthan High Court hereby recommend the name of Mr./Mrs./Ms. .... for being conferred the status of Senior Advocate by virtue of his/her ability, standing at Bar, special knowledge and experience in law.

Date:

Signature(s)

**APPENDIX - B**

**PROFORMA OF BIO-DATA, CONSENT AND UNDERTAKING**

SL. No.	PARTICULARS		
1.	Name		
2.	Father's Name		
3.	Address in Full	(i) Office Address	
		(ii) Residential Address	
4.	Contact Details	(i) Landline Number	
		(ii) Mobile Number	
		(iii) Email and social media accounts, if any	
5.	Date of Birth		

6.	Educational/Professional Qualifications : (Mention award of prize, scholarship, fellowship or any other distinction)			
7.	Number and date of Enrollment as an Advocate			
8.	Bar Council, where registered			
9.	Date from which continuously practising			
10.	If a former member of the State Judicial Service, length of such service and the experience at the Bar			
11.	Standing as an Advocate as on			
12.	Place/Courts where practicing : (Court-wise period may be indicated)	Courts	Duration	
	From		To	
13.	Whether he/she has been an associate to any lawyer, if so, name of such Lawyer and the period of such association			
14.	Nature of practice - Civil, Criminal, Constitutional, Taxation, Labour, Company, Service, etc.			
15.	Field of law in which Applicant has Specialization / Expertise (special knowledge or experience in law)			
16.	Number of Reported Judgments in matters in which appeared (List of cases with relevant particulars to be provided)			
17.	Number of cases filed by the applicant Advocate during last 5 years			
18.	Number of his/her cases disposed of during last 5 years			
19.	Details of Pro bono work during last five years (Enclose copies of the orders where available)			
20.	The details of State or Central Government offices or departments or corporations of which he has			

	been in the panel or standing counsel and its respective duration	
21.	Particulars of articles, if any published in any journal or publication or books if any authored	
22.	Whether delivered any Lecture, if so, give details thereof	
23.	Whether associated with any Faculty of Law of any University/College, if yes provide particulars	
24.	Whether held any position in Bar Council/Bar Association; if so, give details thereof	
25.	Whether involved in any disciplinary proceedings before Bar Council of India, Bar Council of Rajasthan or Bar Council of any other State. If so give particulars/result/stage of the proceedings	
26.	Whether personally involved in any contempt proceedings	
27.	Whether any remark has ever been passed against him/her in any order/judgment by any Court of Law	
28.	Whether any FIR has ever been filed against the applicant; if so, detailed current status thereof may be indicated	
29.	(a) Have you ever been arrested ?	
	(b) Have you ever been prosecuted ?	
	(c) Have you ever been kept under detention?	
	(d) Have you ever been bound down ?	
	(e) Have you ever been fined by a Court of Law ?	
	(f) Have you ever been convicted by a court of Law for any Offence ?	
	(g) Have you ever been debarred from any examination or rusticated by any authority/institution ?	
	(h) Have you ever been debarred/disqualified by any Public Commission/Authority ?	
	(i) Is any case pending against you in any Court of Law at the time of filling up this Form ?	

	(ii) If the answer to any of the above-mentioned question is 'Yes' give full particulars of the case / arrest / detention / fine / conviction /sentence / punishment etc. and/or the nature of the case pending in the Court / authority or institution etc. at the time of filing up this form	
	Whether considered for designation as Senior Advocate by the Rajasthan High Court or any other High Court or Supreme Court at any time and also within one year prior to the date of proposal/consent (Also state if proposal pending with any Court)	
31.	Any other information which the learned Advocate may like to furnish	

**VERIFICATION**

I....., Advocate, do hereby verify that contents of para No.1 to 31 of this bio-data are true and correct to my personal knowledge.

SIGNATURE

**CONSENT**

I....., Advocate, do hereby consent to be designated as a Senior Advocate in terms of Section 16(2) of the Advocates Act, 1961 and agree and undertake to abide by all laws, rules, regulations, norms and guidelines as are in force for the time being, or which may be prescribed hereinafter for this purpose.

SIGNATURE

**UNDERTAKING**

I undertake that upon designation as Senior Advocate, I shall appear and argue pro-bono cases as assigned to me by any Authority under the Legal Services Authority Act, 1987.

SIGNATURE

\_\_\_\_\_  
राज्य केन्द्रीय मुद्रणालय, जयपुर।